

APPEAL NO. 020706
FILED MAY 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held February 27, 2002. The hearing officer resolved the issues before her by determining that the respondent (claimant) sustained a compensable injury in the form of an occupational disease on _____, and that the appellant (carrier) was not relieved of liability for the injury because the claimant did, given the determined date of injury, timely notify his employer in accordance with Section 409.001. The carrier appeals all of the hearing officer's determinations on sufficiency of the evidence grounds. There is no response from the claimant in the file.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury in the form of an occupational disease, carpal tunnel syndrome (CTS)¹, on _____. The claimant testified that on _____, he began having symptoms of pain in his shoulder and neck, and numbness in his hands and arms, to the extent that they would not subside. The claimant further testified that he first sought medical attention for his symptoms on _____, and that the doctor suggested that his problem was very likely a result of his work. The claimant presented medical records which the hearing officer found supportive of his contentions. The carrier presented evidence which it argued contradicted the claimant's medical claims, most notably in the form of a carrier-selected reviewing doctor's criticisms of the claimant's treating doctor's diagnoses. The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). We conclude that the hearing officer's determination that the claimant sustained a compensable injury in the form of an occupational disease on _____, is sufficiently supported by the evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

As we affirm the hearing officer's determination regarding compensable injury and date of injury, we likewise affirm the hearing officer's finding of fact and conclusion of law to the effect that the carrier is not relieved of liability pursuant to Section 409.002, since claimant reported his injury to his employer on _____, within thirty days of his date of injury.

¹We note that, in addition to CTS, the claimant alleged injury to his shoulder and to his cervical spine, but the hearing officer determined only that the CTS was the compensable injury here.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE I
AUSTIN, TEXAS 78701.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge